

**Common Council
Regular Meeting**

Tuesday, February 9, 2016, 6:30 p.m.
City Hall, 31 S. Madison Street, Evansville, WI

MINUTES

1. **Call to order.** The meeting was called to order at 6:30 p.m. by Mayor Sandy Decker.
2. **Roll Call.** Members present: Mayor Sandy Decker, Alderpersons Jim Brooks, Matt Brown, Rick Cole, Ben Ladick, Gene Lewis, Josh Manring, James Montgomery, and Erika Stuart. Others present: City Administrator/Finance Director Ian Rigg, City Clerk/Treasurer Judy Walton, City Attorney Mark Kopp, Library Director Megan Kloeckner, Community Development Director Jason Sergeant, Ben Heidemann of Town & Country Engineering, and several members of the public.
3. **Approval of Agenda.** Brooks made a motion, seconded by Manring to approve the agenda. Motion approved 8-0.
4. **Approval of Minutes.** Brooks made a motion, seconded by Manring to waive the reading of the minutes of the January 12, 2016 regular meeting and to approve them as presented. Motion approved 8-0.
5. **Civility reminder.** Recognition of the commitment to civility and decorum at city meetings.
6. **Citizen appearances**
 - A. Public Hearing: Increasing the Sanitary Sewer Rate for Fixed and Variable Charges
 - (1). Rigg reported that the city's auditor suggested immediate action on the sewer rate increase. The last increase was in 2009. He presented a comparison of current costs versus 2009, and the associated increases in expenses.
 - (2). Decker opened the public hearing at 6:38 p.m. There were no public comments and Decker closed the public hearing at 6:39 p.m.
 - (3). Manring asked what the current combined sewer and water rate is and Rigg responded \$59.38 for 600 cubic feet of usage.
 - (4). Brooks made a motion, seconded by Ladick to adopt Resolution 2016-02, A Resolution Increasing the Sanitary Sewer Rate for Fixed and Variable Charges.

Brooks noted that this item was discussed at great length at the January meeting. Rigg added that the new rate would be effective with the next full billing.

Motion approved 8-0.
 - B. Public Hearing: Repealing and Recreating Chapter 62, Historic Preservation
 - (1). Sergeant stated the process of updating the ordinance started in 2014. His predecessor did a public survey and strengthening the historic preservation

regulations was one suggestion. The Commission has been working on this ordinance and this would actually repeal and recreate the chapter. He had distributed a revised version of the ordinance that had minor changes. There were about 280 letters sent to property owners in the historic district. He summarized the changes.

(2). Mayor Decker opened the public hearing at 6:45 p.m.

Arlene Larson, 126 N 2nd Street, asked what problem this ordinance is addressing. Sergeant responded that it addresses the problem where a property owner can request approval and if denied can wait a certain amount of time and simply proceed with their project; creates an appeal process; and it streamlines simple improvements such as replacing a roof. She asked who would define some of the terms that seem vague and Sergeant replied that some of the terms are defined in the ordinance and the rest we would rely on city staff or the city attorney. She expressed concern about this ordinance having an effect on her being able to sell her home.

Jim McGoey, 224 W Church Street, spoke in favor of the changes as he feels it strikes a balance between community interest and individual interest.

John Petri, 133 Grove Street, asked if there was any provision for emergencies, for example a tree falling on the home. Decker replied that emergencies have always been handled separately. Sergeant added that the ordinance addresses that.

Marlene Rogers, 48 N Madison Street, asked who set the boundaries of the historic district and are they set in stone. She doesn't feel their area fits into the district. Mayor Decker responded that the historic districts are identified through a process and their property was identified as historic in the 1970's. A survey was done of all properties in the community and, working with a consultant, areas were identified as historic. There may be buildings within a historic district that are not historic. This information is then sent to the State Historical Society and then the National Park Service.

Alan Pitas, 120 W Church Street, spoke in favor of the ordinance.

Amy Stano, 106 N 2nd Street, asked if the financial penalty (Section 62-7(d)) is new. Sergeant responded yes.

John Aikman, 126 Garfield Avenue, informed the Council that he is renovating his home, enjoys living in the historic district, but would like the Council to vote no on the proposed ordinance. He thinks it takes away his choices as a homeowner, he doesn't think there is clear criteria for what appropriateness is and there is no definition of a special overlay district. He stated the ordinance seeks participation from the community yet the decision is done by only one or maybe two people, the Mayor being one because that person appoints the members and only one of those

is an elected official. He was concerned that if a Mayor was elected and that person had an agenda they could have a lot of power over the people in the historic district and what choices they have. He also thought it would be prudent to wait and see if current state legislation passes because that could make all of this moot because it will take away municipal power regarding historic preservation.

Mayor Decker pointed out that all mayoral appointments are subject to a confirmation roll call vote by the Council. She added that the city has been monitoring the proposed legislation and most of the Historic Preservation language has been removed from the proposed bill.

Marlene Rogers agreed with Mr. Aikman and asked the Council to vote no.

John Petri, 133 Grove Street, asked about creating lists of changes that would be allowed so they know in advance when they are doing their planning. Mayor Decker replied that they follow the Department of Interior Standards which is available on the city website and is included in the ordinance.

Roger Berg, 6508 N Ron Road, was concerned about the unintended consequences that may come from this ordinance. He felt there should be a balance between preserving the historic district without creating a financial hardship on the property owner. Mayor Decker replied that there is a procedure for the Evansville Historic Preservation Commission to consider claims of economic hardship.

Jim McGoey, 224 W Church Street, doesn't think anyone is forced to do anything other than general maintenance and upkeep that is required by the building code.

Roger Berg, 6508 N Ron Road, asked if he had a house in the historic district that had vinyl or aluminum siding could he replace it with the same material. Sergeant replied that they would have to review that and see if the proposed material matches the standards.

John Decker, 143 W Main Street, stated he has been on the Historic Preservation Commission in Evansville for 9 years and is the current President of the Wisconsin Association of Historic Preservation Commissions. He stated there is language in the draft that resolves a lot of the questions that have been raised tonight.

1. Regarding the subjective nature of decisions made by the commission, he stated currently there are no standards in the ordinance guiding their decisions. This revision incorporates specifically the standards of the Secretary of the Department of Interior and further states that they are to be guided by the guidelines of the Secretary of the Interior which are interpretive materials, national standards, that are published online.

2. Regarding emergency repair, he cited the language in the proposed ordinance which is a continuance of the existing ordinance.
3. Regarding economic hardship, he stated the Commission takes into account economic hardship, just recently approving an application to install vinyl siding because of economic hardship.

Charles Rogers, 48 N Madison Street, asked if they could replace their roof with a metal roof. John Decker said that could not be handled at the staff level, an application would need to be submitted to the Commission.

Cynthia Lusian, 409 S 1st Street, wanted to know if she needs to get a permit for a new tree or additional bushes. Mayor Decker said the permits are for the structure.

John Aikman, 126 Garfield Avenue, wanted to know if he could replace a leaning post on a fence or if he would need to get a certificate of appropriateness. Mayor Decker replied he could replace one post.

Tony Wyse, 112 Grove Street, commented that common sense needs to be used. The original ordinance was weak and this is a positive direction to go in. He is selling his home and stated if a buyer is concerned or worried about owning a home in the district then they don't need to buy his home.

Amy Stano, 106 N 2nd Street, stated she understands the standards yet homes outside the district have standards that don't seem to be kept up, for example having lawn mowers in their yard. She had concerns about homes in the historic district that are owned by landlords and aren't maybe kept up as much. Mayor Decker replied that the city survey also showed an interest for a property maintenance ordinance and they will be looking for public input.

Tony Wyse, 112 Grove Street, commented that this ordinance can't make people fix the property, it is when they want to change something that problems can be addressed.

John Decker, 143 W Main Street, pointed out that this ordinance applies regardless of how the property is owned (owner/occupied or landlord/tenant occupied), also there is a provision in the ordinance that has been there since the 1980's requiring owners of property in the historic district to keep them up, to keep them from falling into disrepair, and the way that this has been enforced over the years has been by the building inspector on a complaint basis only.

Mayor Decker closed the public hearing at 7:19 p.m.

- (3). Manring asked about Section 62-7 paragraph D, and whether there should be a provision or 45 day notice or something instead of immediately assessing a forfeiture? Kopp stated this is a fairly standard provision for maintenance ordinances.

Montgomery asked how hardships are determined. John Decker replied that the Commission makes that determination but it is appealable to the Plan Commission and ultimately to the Common Council. Montgomery asked what the criteria are and John Decker referred him to Appendix IV.

Montgomery commented that we have a lot of ordinances on the books and questioned if this is enforceable.

Manring, referring to Section 62-7e #4, questioned expanding the appeal process to the neighbors of the subject property. John Decker replied that they incorporated the language that the legislature has used.

Brooks commented that there has been talk about putting teeth into the Historic Preservation Ordinance for some time and he feels this is a good change to protect people's property rights, allow for an appeal process, lets some of the decisions to be made at the staff level, and it simplifies paperwork.

- (4). Brooks presented the second reading and made a motion, seconded by Manring to adopt Ordinance 2015-02, Repealing and Recreating Chapter 62, Historic Preservation. Motion approved 8-0.
- (5). Brooks presented the second reading and made a motion, seconded by Lewis to adopt Ordinance 2015-03, Revising Chapter 18, Section 18-3 Building Permits in the Historic District. Motion approved 8-0.

C. There were no other citizen appearances.

7. Reports of Committees

A. Library Board Report. Kloeckner reported she is working on the annual report; she and Alison have come up with the spring program schedule and they are bringing STEAMPunks back; campaign planning committee has met a couple of times; as a system, the libraries are looking at upgrading their software; and on Friday, they are having a birthday party for Dr. Evans at 5:30 p.m.

B. Youth Center Advisory Board Report. Stuart reported their first field trip was successful and Becky is managing the grant they received for additional field trips.

C. Plan Commission Report. Decker reported they are working on the sign and the sidewalk ordinances.

D. Finance and Labor Relations Committee Report

- (1). Brooks made a motion, seconded by Manring to accept the City and Water & Light bills as presented in the amount of \$4,010,829.32. Motion approved 8-0 on a roll call vote.
- (2). Brooks made a motion, seconded by Manring to disallow claim by Julia Culles. Rigg explained our insurance provider has recommended that we disallow this claim. Kopp added the disallowance starts their clock ticking to file suit.

Motion approved 8-0.

Brooks reported they had a lengthy discussion regarding the Tax Increment Districts.

Rigg asked anyone interested in attending the Ehlers conference to contact him as there is an opening available.

- E. Public Safety Committee Report.** Montgomery reported EPD completed active shooter training with the Rock County Sheriff's Department and City of Janesville Police Department; they are discussing a potential revision to the snow and parking ordinance; Chief McElroy and Lieutenant Koehler met with the school district superintendent regarding active shooter preparedness; and there were 847 calls for service in January.

EMS had 62 calls for service in January; ambulance 810 has been out three times since the new coordinator (Jamie Kessenich) started; staff levels are up; and more people are showing interest. Kessenich has stressed making the department more inviting and he visited the facility and stated it is run down, the training area needs to be moved, her office has poor lighting; there are stacks and stacks of clothing, and there are files that need to be secured. He mention a number of improvements that need to be completed.

F. Municipal Services Report

- (1). Ben Heidemann of Town & Country Engineering presented the pros and cons of Alternate #1, basically the "do nothing option", rehab the drying beds and contract out the hauling of liquid sludge and Alternate #6, installing a sludge dewatering system, adding a new small building, and cake storage.

Brooks stated the committee started with six alternatives and narrowed it down to three. They have always kept Alternate #1 because of the low cost but it is risky to not make improvements and they recommend approval of Alternate #6. The committee also discussed additional upgrades which are included in the report and they recommend the high and medium upgrades.

Brooks made a motion, seconded by Manring to authorize Town and Country Engineering to pursue option #6 for the Waste Water Treatment Plant upgrade.

Brooks made a motion, seconded by Manring to amend the motion to include high and medium options as listed on the sludge processing study. Motion approved 8-0.

Main motion, as amended, approved 8-0.

Brooks reported they spent a lot of time discussing the WWTP and also talked about a new, more equitable storm water plan.

Decker added there is proposed legislation in Madison that would make it easier for a municipality to sell their water utility and she has received

comments from residents who are concerned that this would affect water quality and safety.

- G. Economic Development Committee Report.** Brooks reported they started the meetings about Discover Wisconsin's general program and economic development short segment and they finalized some changes to the revolving loan fund.

Sergeant reported there is a commodities presentation on agribusiness prices at Creekside Place tomorrow that may be of interest.

- H. Redevelopment Authority Report.** No report.

- I. Parks and Recreation Board Report.** Ladick reported they have received no complaints about the park being closed to through traffic; they had a presentation from Kevin Diedrich regarding disc golf tournaments that he wants to have every Sunday from April 3 – June 26.

- J. Historic Preservation Commission Report.** Lewis reported they discussed outfield fencing, a new bench, and the Scout House at Leonard-Leota Park; they discussed the ordinance that was just passed.

- K. Fire District Report.** Montgomery reported the committee amended the fee schedule, discussed the budget and the budget versus actual numbers.

- L. Police Commission Report.** No report.

- M. Energy Independence Team Report.** No report.

- N. Board of Appeals Report.** No report.

- 8. Unfinished Business.** None.

- 9. Communications and Recommendations of the Administrator.** Rigg reported Customer Service Clerk Kevin VonTayson will be leaving March 4th or 9th; we have received 75 applications so far; staff is preparing for the April 5th election, working on the audit and AMI.

- 10. Communications and Recommendations of the Mayor**

- A.** Due to scheduled absences on the next regularly scheduled meeting date, the March meeting was scheduled for Wednesday, March 16, 2016.

- 11. New Business.** None.

- 12. Introduction of New Ordinances**

- A.** Brooks presented the First Reading of Ordinance 2016-01, an Ordinance Amending Chapter 42 of the Municipal Code of the City of Evansville: Emergency Services
- B.** Brooks presented the First Reading of Ordinance 2016-03, an Ordinance Changing the City of Evansville Municipal Code Chapter 110: Subdivisions and Other Land Divisions

- C. Brooks presented the First Reading of Ordinance 2016-04, an Ordinance Changing the City of Evansville Municipal Code Chapter 106: Streets, Sidewalks, and Other Public Places.

13. Meeting Reminders

- A. The Committee of the Whole Meeting is scheduled for Saturday, February 20, 2016 8:00 a.m., at the Youth Center 209 S 1st Street.
- B. The next regular meeting is scheduled for Wednesday, March 16, 2016 6:30 p.m., City Hall.

14. Adjournment. Cole made a motion, seconded by Brown to adjourn at 8:37 p.m. Motion approved 8-0.

Judy Walton, City Clerk/Treasurer